

30216. Adulteration and misbranding of SC Red Tablets and adulteration of Special Compressed Tablets Magnesium Oxide, Phenobarbital & Atropine Compound. U. S. v. Charles H. Dietz (Charles H. Dietz Co.). Plea of guilty. Fine, \$375. (F. & D. No. 42577. Sample Nos. 16217-D, 16642-D.)

The former of these products contained a smaller amount of quinine sulfate than declared on the label, and the latter contained less magnesium oxide and less phenobarbital than represented.

On September 17, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles H. Dietz, trading as Charles H. Dietz Co., at St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 15, 1937, from the State of Missouri into the State of Texas, of a quantity of SC Red Tablets which were adulterated and misbranded, and on or about February 4, 1938, from the State of Missouri into the State of Ohio, of a quantity of Special Compressed Tablets Magnesium Oxide, Phenobarbital & Atropine Compound which were adulterated.

The former product was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, in that it was labeled "Quinine Sulph. $\frac{1}{4}$ gr."; whereas each tablet contained not more than 0.20 grain of quinine sulfate. It was alleged to be misbranded in that the statement on the label, "Quinine Sulph. $\frac{1}{4}$ gr.," was false and misleading in that it represented that each tablet contained $\frac{1}{4}$ grain of quinine sulfate, whereas each tablet contained not more than 0.20 grain of quinine sulfate.

The latter product was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, since the defendant had represented to the purchaser that each tablet contained 5 grains of magnesium oxide U.S.P., $\frac{1}{4}$ grain of phenobarbital U.S.P. (also $\frac{1}{500}$ grain of atropine sulfate); whereas the said tablets each contained less than 5 grains of magnesium oxide, namely, 3.68 grains thereof, and less than $\frac{1}{4}$ grain of phenobarbital, namely, 0.207 grain thereof.

On December 21, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$375.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30217. Adulteration and misbranding of Epsom salt. U. S. v. Livingston T. Boyer and Harve Pettigrew. Pleas of guilty. Fines, \$40. (F. & D. No. 42550. Sample Nos. 11561-D, 11563-D.)

This product failed to conform to the standard for Epsom salt established by the United States Pharmacopoeia, samples taken from the two shipments having been found to contain 31.11 percent and 40.77 percent, respectively, of sodium sulfate (Glauber's salt).

On September 14, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Livingston T. Boyer and Harve Pettigrew, Medicine Bow, Wyo., alleging shipment by said defendants in violation of the Food and Drugs Act on or about December 3, 1937, from the State of Wyoming into the State of Utah of quantities of Epsom salt which was adulterated and misbranded. The article was labeled in part: (Bag) "Epsom Salts—Manufactured by Wyoming Chemicals, Inc. Medicine Bow, Wyo." One lot was labeled further: "U. S. P. Grade."

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia, namely, Epsom salt, but differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia, since it contained a large proportion of sodium sulfate, i. e., Glauber's salt, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statements, "Epsom Salts U. S. P. Grade" and "Epsom Salts," borne on the labels of the two lots were false and misleading in that they represented that the article was Epsom salt of the grade required by the United States Pharmacopoeia; whereas it was not as represented since it contained a large proportion of sodium sulfate, which is Glauber's salt, not Epsom salt.

On November 19, 1938, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$40.

HARRY L. BROWN, *Acting Secretary of Agriculture.*